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EXAMINER

KADING, JOSHUA A

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2661

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,195

Applicant(s)

WENDT ET AL.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

5 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10

Claims 21 and 22 recite the limitation "caller labeling information" in lines 3-4 of claims 21 and 22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15 The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7, 9-11, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Focsaneanu et al. (U.S. Patent 5,828,666).

20

In regard to claim 1, Focsaneanu et al. disclose "a method for providing integrated voice, video, and data content in an integrated service offering to one or more customer premises, comprising:

receiving television programming from a programming source (figure 2, where element 10 can be a TV as described, and element 46 provides cable television programming(CATV));

receiving data from a data network (figure 1, element 30 is the data network and
5 elements 10 receive the data);

receiving telephone communications from a telephone network (figure 1, element 20 is a telephone network and elements 10 receive the telephone communications);

placing the television programming, data, and telephone communications in a common format for integrated communication over a single network infrastructure using
10 a common communication protocol (col. 6, lines 47-59 where the CPEs are the customer premises as defined in col. 1, lines 39-42); and

communicating the integrated television programming, data, and telephone communications in the common format over the single network infrastructure using the common communication protocol to one or more customer premises to provide the
15 integrated service offering (col. 6, lines 47-59)."

In regard to claim 2, Focsaneanu et al. disclose "the method of claim 1, further comprising communicating data from a customer premises to the data network in the common format over the single network infrastructure using the common
20 communication protocol (col. 1, lines 36-45 where it is known that by connecting these CPEs to the data network, they will be in communication with it)."

In regard to claim 3, Focsaneanu et al. disclose "the method of claim 1, further comprising communicating telephone communications from a customer premises to the telephone network in the common format over the common network infrastructure using the common communication protocol (col. 1, lines 36-45 where it is known that by
5 connecting the CPEs to the telephone network, they will be in communication with it)."

In regard to claim 4, Focsaneanu et al. disclose "the method of claim 1, wherein the programming source comprises one or more satellite or terrestrial antennas transmitting the content of one or more television channels (figure 2, elements
10 communicating signal 52 clearly represent transmitting antennas and are part of the programming source as can be read in col. 2, lines 1-18)."

In regard to claim 7, Focsaneanu et al. disclose "the method of claim 1, wherein the data network comprises the Internet (col. 3, lines 6-11; figure 3, element 78 where
15 element 78 is the same as data network 30 of figure 1)."

In regard to claim 9, Focsaneanu et al. disclose "the method of claim 1, wherein the telephone network comprises the Public Switched Telephone Network (figure 1, element 20)."

In regard to claim 10, Focsaneanu et al. disclose "the method of claim 1, wherein the communications protocol comprises a packet-based communications protocol (col. 3, lines 6-11 where the protocol is TCP/IP which is packet-based)."

5 In regard to claim 11, Focsaneanu et al. disclose "the method of claim 1, wherein the communications protocol comprises Internet Protocol (col. 3, lines 6-11)."

In regard to claim 25, Focsaneanu et al. disclose "the method of claim 1, further comprising conditioning access to the integrated television programming, data, and
10 telephone communications based on a list of approved customer premises devices (col. 7, lines 4-9 where CPEs are the customer premises and it is known that service providers maintain a list of customers for authentication so that they may be allowed to use the service provider's services)."

15 ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 27, 28, 29, 30, 33, 35-37, and 49 are rejected under 35 U.S.C. 103(a) as
20 being unpatentable over Focsaneanu et al. (U.S. Patent 5,828,666).

In regard to claim 27, Focsaneanu et al. disclose "a system for providing integrated voice, video, and data content in an integrated service offering to one or more customer premises, comprising:

a receiver operable to receive television programming (figure 2, element 46

5 where the CATV receives programming from the satellites of element 50);

a video encoder operable to convert the television programming into a common format for communication over a single network infrastructure using a common communication protocol (figure 2, element 42 where the CPE connection is described in col. 2, lines 3-10);

10 a telecommunication switch coupled to a telephone network and operable to receive telephone communications from the telephone network (figure 7, local switch in element 216);

a gateway operable to convert the telephone communications into the common format for communication over the single network infrastructure using the common communication protocol (figure 7, element 208 where element 208 takes all the signals, including the telephone communications from PSTN 216, and converts the signals into the common format and sends the new signal to the customer premises)..."

However, Focsaneanu does not explicitly disclose "a router" and its corresponding functions. Although there is no mention of a separate router in Focsaneanu, there is mention of the gateway (figure 7, element 208), and as is known in the art, a gateway also functions as a router. Therefore, Focsaneanu discloses "a router coupled to the video encoder, to the gateway, and to a data network that

communicates data in the common format using the common communication protocol (figure 7, element 208), the router operable to: receive the converted television programming, the converted telephone communications, and the data from the data network, all in the common format (col. 7, lines 27-37 where element 208 receives all
5 information from the respective networks as seen in figure 7); and communicate the converted television programming, the converted telephone communications, and the data in the common format over the single network infrastructure using the common communication protocol to one or more customer premises to provide the integrated service offering (col. 7, lines 27-37)."

10 It would have been obvious to one with ordinary skill in the art at the time of invention to include the router for the purpose of acting as an intermediate node that sends requested data to the appropriate customer premise. The motivation for having a router would be, as is known in the art for instance, to have a more distributed type of network instead of direct links to economically allow more users to access the network.

15 In regard to claim 28, Focsaneanu disclose the system of claim 28. Although Focsaneanu does not explicitly disclose the "router", Focsaneanu further discloses "a customer premises operable to receive and communicate data over the single network infrastructure using the common communication protocol (col. 1, lines 36-45 where it is
20 known that by connecting these CPEs to the network, they will be in communication with it)." It would have been obvious to one with ordinary skill in the art at the time of

invention to have the CPE operable to receive data over a single network for the same reasons and motivation as in claim 27.

In regard to claim 29, Focsaneanu discloses the system of claim 27. Although
5 Focsaneanu does not explicitly disclose the "router", Focsaneanu further discloses "the receiver is operable to receive television programming from a satellite dish (figure 2, elements 50)." It would have been obvious to one with ordinary skill in the art at the time of invention to have the receiver capable of receiving television programming from a satellite dish for the same reasons and motivation as in claim 27.

10

In regard to claim 30, Focsaneanu et al. discloses the system of claim 27.
However, Focsaneanu et al. lack "the receiver is operable to receive television programming from an antenna." Although Focsaneanu et al. does not explicitly disclose the antenna, it is known in the art that receivers, no matter what kind, use antennas to
15 receive data from sources. It would have been obvious to one with ordinary skill in the art at the time of invention to include the antenna with the system of claim 27 for the purpose of communicating the television programming to the receiver. The motivation being to allow the customers to access the received television programming.

20

In regard to claim 33, Focsaneanu et al. disclose the system of claim 27.
Although Focsaneanu does not explicitly disclose the "router", Focsaneanu further discloses "the data network comprises the Internet (col. 3, lines 6-11; figure 3, element

78 where element 78 is the same as data network 30 of figure 1).” It would have been obvious to one with ordinary skill in the art at the time of invention to have the data network comprise the Internet for the same reasons and motivation as in claim 27.

5 In regard to claim 35, Focsaneanu et al. disclose the system of claim 27.

Although Focsaneanu does not explicitly disclose the “router”, Focsaneanu further discloses “the telephone network comprises the Public Switched Telephone Network (figure 1, element 20).” It would have been obvious to one with ordinary skill in the art at the time of invention to have the telephone network comprise the PSTN for the same
10 reasons and motivation as in claim 27.

 In regard to claim 36, Focsaneanu et al. disclose the system of claim 27.

Although Focsaneanu does not explicitly disclose the “router”, Focsaneanu further discloses “the communications protocol comprises a packet-based communications
15 protocol (col. 3, lines 6-11 where the protocol is TCP/IP which is packet-based).” It would have been obvious to one with ordinary skill in the art at the time of invention to have the communications protocol is a packet-based protocol for the same reasons and motivation as in claim 27.

20 In regard to claim 37, Focsaneanu et al. disclose the system of claim 27.

Although Focsaneanu does not explicitly disclose the “router”, Focsaneanu further discloses “the communications protocol comprises Internet Protocol (col. 3, lines 6-11).”

It would have been obvious to one with ordinary skill in the art at the time of invention to have the communications protocol comprise the Internet Protocol for the same reasons and motivation as in claim 27.

5 In regard to claim 49, Focsaneanu et al. disclose the system of claim 27.

Although Focsaneanu does not explicitly disclose the "router", Focsaneanu further discloses "the router is further operable to condition access to the integrated television programming, data, and telephone communications based on a list of approved customer premises devices (col. 7, lines 4-9 where CPEs are the customer premises
10 and it is known that service providers maintain a list of customers for authentication so that they may be allowed to use the service provider's services)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the approved CPE's for the same reasons and motivation as in claim 27.

15 Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Brown (U.S. Patent 5,805,154).

 In regard to claim 5, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the programming source comprises one or more digital or tape
20 storage systems transmitting audio or video content." Brown however, discloses "the programming source comprises one or more digital or tape storage systems transmitting audio or video content (col. 3, lines 25-38)." It would have been obvious to one with

ordinary skill in the art at the time of invention to include the digital or tape storage with the method of claim 1 for the purpose of being able to transmit "non-live" or taped programming. The motivation being to allow users to watch programs after they have been recorded.

5

In regard to claim 32, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "the receiver is operable to receive television programming from one or more digital or tape storage systems transmitting audio or video content." Brown however, discloses "the receiver is operable to receive television
10 programming from one or more digital or tape storage systems transmitting audio or video content (col. 3, lines 25-38)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the digital or tape storage with the system of claim 27 for the purpose of being able to transmit "non-live" or taped programming. The motivation being to allow users to watch programs after they have been recorded.

15

Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Shaffer et al. (U.S. Patent 5,761,294).

In regard to claim 8, Focsaneanu et al. disclose the method of claim 1. However,
20 Focsaneanu et al. lack "the data network comprises an intranet or extranet." Shaffer et al. however, disclose "the data network comprises an intranet or extranet (col. 3, lines 22-27)." It would have been obvious to one with ordinary skill in the art at the time of

invention to include the intranet or extranet with the method of claim 1 for the purpose of allowing customers access to the data contained within the intranet or extranet. The motivation for this being access through the data network and other networks via a common access point.

5

In regard to claim 34, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "the data network comprises an intranet or extranet."

Shaffer et al. however, disclose "the data network comprises an intranet or extranet (col. 3, lines 22-27)." It would have been obvious to one with ordinary skill in the art at the

10 time of invention to include the intranet or extranet with the system of claim 27 for the purpose of allowing customers access to the data contained within the intranet or extranet. The motivation for this being access through the data network and other networks via a common access point.

15 Claims 6, 12, 23, 24, 31, 38, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Mittra (U.S. Patent 5,748,736).

Regarding claims 6 and 31, Focsaneanu discloses the method of claim 1 and the system of claim 31. However, Focsaneanu lacks what Mittra discloses, "the receiver is
20 operable to receive television programming from one or more non-broadcast, switched linear video or audio sources (col. 4, lines 57-col. 5, lines 1-14 where the non-broadcast information, i.e. the multicast information, of Mittra is used in conjunction with the CATV

network to send non-linear video, i.e. TV programming, where the non-linear video is as defined by applicant in the Remarks, page 10, paragraph 3, lines 7-9)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicast, non-linear video for the purpose of sending programming to a specific group of customers at the same time instead of individually. The motivation for multicasting video programming is to save time and resources by not having to send the information to each individual separately.

In regard to claim 12, Focsaneanu et al. disclose the method of claim 11.

However, Focsaneanu et al. lack "communicating the television programming to the customer premises comprises IP multicasting the television programming to the multiple customer premises." Mittra however, discloses "communicating the television programming to the customer premises comprises IP multicasting the television programming to the multiple customer premises (col. 4, lines 57-67 and col. 5, lines 1-13)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the IP multicasting with the method of claim 11 for the purpose of multicasting information to a group of customers at the same time instead of individually. The motivation for this being to save time and resources.

In regard to claim 23, Focsaneanu et al. disclose the method of claim 1.

However, Focsaneanu et al. lack "assigning customer premises to multicast domains to support conditional access of the customer premises to selected television

programming.” Mittra however, discloses “assigning customer premises to multicast domains to support conditional access of the customer premises to selected television programming (col. 6, lines 62-67 and col. 7, lines 1-14 where changes in membership of a sub-group can constitute changes in access to selected television programming).” It

5 would have been obvious to one with ordinary skill in the art at the time of invention to include the multicast domains with the method of claim 1 for the purpose of controlling sub-groups within the larger group without affecting other sub-groups. The motivation for this being to allow different sub-groups to have different programming.

10 In regard to claim 24, Focsaneanu et al. disclose the method of claim 1.

However, Focsaneanu et al. lack “encrypting the integrated television programming, data, and telephone communications for decryption by selected customer premises.”

Mittra however, discloses “encrypting the integrated television programming, data, and telephone communications for decryption by selected customer premises (col. 6, lines

15 62-67 and col. 7, lines 1-14 where the “group key” says that the server uses this to have secure connections or encrypted connections with the customer premises it serves).” It

would have been obvious to one with ordinary skill in the art at the time of invention to include the encryption with the method of claim 1 for the purpose of have sending and receiving secure data. The motivation being theft of information prevention while the

20 information is being transmitted.

In regard to claim 38, Focsaneanu et al. disclose the system of claim 37.

However, Focsaneanu et al. lack "communicating the television programming to the customer premises comprises multicasting the television programming to the multiple customer premises." Mittra however, discloses "communicating the television

5 programming to the customer premises comprises multicasting the television programming to the multiple customer premises (col. 4, lines 57-67 and col. 5, lines 1-13)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicasting with the system of claim 37 for the purpose of broadcasting information to a group of customers at the same time instead of
10 individually. The motivation for this being to save time and resources.

In regard to claim 47, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "...assign customer premises to multicast domains to condition access of the customer premises to selected television programming." Mittra

15 however, discloses "...assign customer premises to multicast domains to condition access of the customer premises to selected television programming (col. 6, lines 62-67 and col. 7, lines 1-14 where changes in membership of a sub-group can constitute changes in access to selected television programming)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the multicast domains
20 with the system of claim 27 for the purpose of controlling sub-groups within the larger group without affecting other sub-groups. The motivation for this being to allow different sub-groups to have different levels of access.

In regard to claim 48, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "encryption software operable to encrypt the integrated television programming, data, and telephone communications for decryption

5 by selected customer premises." Mitra however, discloses "encryption software operable to encrypt the integrated television programming, data, and telephone communications for decryption by selected customer premises (col. 6, lines 62-67 and col. 7, lines 1-14 where the "group key" says that the server uses this to have secure connections or encrypted connections with the customer premises it serves; it should
10 also be noted that it is known in the art that software is used to encrypt digital data)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the encryption with the system of claim 27 for the purpose of have sending and receiving secure data. The motivation being theft of information prevention while the information is being transmitted.

15

Claims 13, 14, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Gerszberg et al. (U.S. Patent 6,510,152 B1).

20

In regard to claim 13, Focsaneanu et al. disclose the method of claim 1.

However, Focsaneanu et al. lack "the single network infrastructure comprises an Ethernet network." Gerszberg et al. however, disclose "the single network infrastructure

comprises an Ethernet network (col. 1, lines 27-30 where the Ethernet network is part of the network infrastructure).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the Ethernet network with the method of claim 1 for the purpose of carrying data to and from the user. The motivation for this being to have
5 a separate network for data from the other networks.

In regard to claim 14, Focsaneanu et al. disclose the method of claim 1.
However, Focsaneanu et al. lack “providing content selected from the group consisting of...audio channels...; and communicating the selected content...” Gerszberg et al.
10 however, disclose “providing content selected from the group consisting of...audio channels...(col. 8, lines 66-67 and col. 9, lines 1-5 where the radio channels are audio channels); and communicating the selected content...(col. 8, lines 66-67 and col. 9, lines 1-5).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the audio channels with the method of claim 1 for the purpose of
15 providing a variety of services to the user. The motivation being to provide a wider range of choices and bring in more customers.

In regard to claim 39, Focsaneanu et al. disclose the system of claim 27.
However, Focsaneanu et al. lack “the single network infrastructure comprises an
20 Ethernet network.” Gerszberg et al. however, disclose “the single network infrastructure comprises an Ethernet network (col. 1, lines 27-30 where the Ethernet network is part of the network infrastructure).” It would have been obvious to one with ordinary skill in the

art at the time of invention to include the Ethernet network with the system of claim 27 for the purpose of carrying data to and from the user. The motivation for this being to have a separate network for data from the other networks.

5 In regard to claim 40, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack "one or more servers operable to communicate additional content...the additional content selected from the group consisting of...audio channels..." Gerszberg et al. however, disclose "one or more servers operable to communicate additional content...the additional content selected from the group
10 consisting of...audio channels..." (col. 8, lines 66-67 and col. 9, lines 1-5 where the ISD/IRG are servers and the radio channels are audio channels)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the audio channels with the system of claim 27 for the purpose of providing a variety of services to the user. The motivation being to provide a wider range of choices and bring in more
15 customers.

Claims 15, 16, 18, 26, 41, 42, 43, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Zigmond (U.S. Patent 6,215,483 B1).

20

 In regard to claim 15, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "displaying a web page at the customer premises that

includes content selected from the group consisting of television programming...”

Zigmond however, discloses “displaying a web page at the customer premises that includes content selected from the group consisting of... video including media markup and linking...(col. 6, lines 3-18).” It would have been obvious to one with ordinary skill in

5 the art at the time of invention to include the web page with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

10 In regard to claim 16, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack “the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with the television programming at the customer premises.” Zigmond however, discloses “the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information
15 in combination with the television programming at the customer premises (col. 6, lines 3-18).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a
20 television broadcast.

In regard to claim 18, Focsaneanu et al. disclose the method of claim 16.

However, Focsaneanu et al. lack "the media markup and linking information comprises a link to content selected from the group consisting of television programming..."

Zigmond however, discloses "the media markup and linking information comprises a link

5 to content selected from the group consisting of television programming... (col. 6, lines 3-11 where the "allowing Internet content to be associated with a television broadcast" is taken to mean that these links or content will take a user to the television broadcast it is associated with)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of
10 claim 16 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 26, Focsaneanu et al. disclose the method of claim 1.

15 However, Focsaneanu et al. lack "conditioning access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device." Zigmond however, discloses "conditioning access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device (col. 3, lines 9-15 where stating that
20 local affiliates may use the Internet to link TV shows that only those users in that local affiliates area would receive this information, it wouldn't make sense for someone outside the area to receive it, thus the access is conditional on geographic location)." It

would have been obvious to one with ordinary skill in the art at the time of invention to include the conditioning access based on geographic location with the method of claim 1 for the purpose of allowing customers to view local programming. The motivation for this being more relevant programming for customers in a given area.

5

In regard to claim 41, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "one or more servers operable to communicate a web page to the customer premises that includes content selected from the group consisting of television programming..." Zigmond however, discloses "one or more servers

10 operable to communicate a web page to the customer premises that includes content selected from the group consisting of television programming...(col. 6, lines 3-18 where a server is implied because the web content must be "asked for" and then sent to the requester from a server)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the web page with the system of claim 27 for the
15 purpose of having seamless integration of television programming and web content.

The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 42, Focsaneanu et al. disclose the system of claim 27.

20 However, Focsaneanu et al. lack "one ore more servers operable to communicate media markup and linking information in combination with the television programming at the customer premises." Zigmond however, discloses "one ore more servers operable

to communicate media markup and linking information in combination with the television programming at the customer premises (col. 6, lines 3-18 where a server is implied because the web content must be "asked for" and then sent to the requester from a server)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 27 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

10 In regard to claim 43, Focsaneanu et al. disclose the system of claim 42. However, Focsaneanu et al. lack "the media markup and linking information comprises a link to content selected from the group consisting of television programming..." Zigmond however, discloses "the media markup and linking information comprises a link to content selected from the group consisting of television programming... (col. 6, lines 15 3-11 where the "allowing Internet content to be associated with a television broadcast" is taken to mean that these links or content will take a user to the television broadcast it is associated with)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 42 for the purpose of having seamless integration of television programming and 20 web content. The motivation for this being to allow users to view web content associated with a television broadcast.

In regard to claim 50, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "...condition access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device." Zigmond however, discloses "...condition access to the integrated television programming, data, and telephone communications based on the geographic location of a customer premises device (col. 3, lines 9-15 where stating that local affiliates may use the Internet to link TV shows that only those users in that local affiliates area would receive this information, it wouldn't make sense for someone outside the area to receive it, thus the access is conditional on geographic location)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the conditioning access based on geographic location with the system of claim 27 for the purpose of allowing customers to view local programming. The motivation for this being more relevant programming for customers in a given area.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Ensor et al. (U.S. Patent 5,550,900).

In regard to claim 46, Focsaneanu et al. disclose the system of claim 27.

However, Focsaneanu et al. lack "the telephone communications comprise caller identification information; and the system further comprises displaying the caller identification information in combination with the television programming at the customer premises." Ensor et al. however, disclose "the telephone communications

comprise caller identification information; and the system further comprises displaying the caller identification information in combination with the television programming at the customer premises (col. 8, lines 3-22)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the caller identification with the system of claim 27 for the purpose of displaying a caller's identification when a call is received. The motivation being immediate notification of a call and the caller's identity.

Claims 19, 20, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. and Zigmond and further in view of Brown.

In regard to claim 19, Focsaneanu et al. disclose the method of claim 1. However, Focsaneanu et al. lack "the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with content selected from the group consisting of video-on-demand..." Zigmond however, discloses "the data comprises media markup and linking information; and the method further comprises displaying the media markup and linking information in combination with content (col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast. However, Zigmond lacks "...selected from the group consisting of video-on-demand..." Brown

however, discloses "...selected from the group consisting of video-on-demand...(col. 3, lines 25-35)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the video-on-demand with the media markup and linking for the purpose of allowing a user to choose which video to watch. The motivation being ease
5 of browsing and selecting videos.

In regard to claim 20, Focsaneanu et al., Zigmond, and Brown disclose the method of claim 19. However, Focsaneanu et al. and Brown lack "the media markup and linking information comprises a link to content selected from the group consisting of
10 television programming..." Zigmond however, further discloses "the media markup and linking information comprises a link to content selected from the group consisting of television programming...(col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the media markup and linking information comprising a link to television programming with the method of claim 19 for
15 the same reasons and motivation as in claim 19.

In regard to claim 44, Focsaneanu et al. disclose the system of claim 27. However, Focsaneanu et al. lack "one or more servers operable to communicate media markup and linking information to the customer premises in combination with content
20 selected from the group consisting of video-on-demand..." Zigmond however, discloses "one or more servers operable to communicate media markup and linking information to the customer premises in combination with content...(col. 6, lines 3-18 where it is

known that markup and linking information must be stored on server and communicated with a server)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the markup and linking information with the system of claim 27 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast. However, Zigmond lacks "...selected from the group consisting of video-on-demand..." Brown however, discloses "...selected from the group consisting of video-on-demand...(col. 3, lines 25-35)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the video-on-demand with the media markup and linking for the purpose of allowing a user to choose which video to watch. The motivation being ease of browsing and selecting videos.

In regard to claim 45, Focsaneanu et al., Zigmond, and Brown disclose the system of claim 44. However, Focsaneanu et al. and Brown lack "the media markup and linking information comprises a link to content selected from the group consisting of television programming..." Zigmond however, further discloses "the media markup and linking information comprises a link to content selected from the group consisting of television programming...(col. 6, lines 3-18)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the media markup and linking information comprising a link to television programming with the system of claim 44 for the same reasons and motivation as in claim 44.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in view of Boys (U.S. Patent 6,314,094 B1).

Regarding claim 17, Focsaneanu discloses the method of claim 1. However, Focsaneanu lacks what Boys discloses, "media markup and linking information (col. 2, lines 48-65 where, as is known in the art, "hyperlinks" consist of "media markup and linking information"); and the method further comprises displaying the media markup and linking information in combination with radio programming at the customer premises (col. 2, lines 48-65 whereby allowing the user to select among "stored hyperlinks", the information must be displayed at the customer premises and consequently the user will choose what radio programming to listen to at the customer premises)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the "media markup and linking information" and "radio programming" for the purpose of allowing a user to choose what radio programming to listen to. The motivation in allowing a user to choose is greater flexibility in user choice.

15

Since there is no antecedent basis for the limitation "caller labeling information", it will be assumed that "caller labeling information" is part of the caller identification as per the specification, page 23, lines 1-2.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. as applied to claim 1 above, and further in view of Creamer et al. (U.S. Patent 6,028,917) and Zigmond.

20

Regarding claim 21, Focsaneanu discloses the method of claim 1. However, Focsaneanu lacks what Creamer discloses, "the telephone communications comprise caller identification information (col. 10, lines 33-43); and the method further comprises displaying the caller identification and caller labeling information...at the customer premises (col. 10, lines 33-43 where "the computer linked to the web" is part of the customer premises)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the caller ID for the purpose of identifying who is calling before answering the telephone. The motivation for knowing who is calling before answering is the ability of the user to choose whether or not to answer a call or not.

However, Focsaneanu and Creamer lack what Zigmond disclose, "...the television programming..." is displayed at the customer premises (col. 6, lines 11-14). It would have been obvious to one with ordinary skill in the art at the time of invention to include the web page with the method of claim 1 for the purpose of having seamless integration of television programming and web content. The motivation for this being to allow users to view web content associated with a television broadcast.

Since there is no antecedent basis for the limitation "caller labeling information", it will be assumed that "caller labeling information" is part of the caller identification as per the specification, page 23, lines 1-2.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. as applied to claim 1 above, and further in view of Creamer et al. (U.S. Patent 6,028,917) and Boys.

Regarding claim 22, Focsaneanu discloses the method of claim 1. However, Focsaneanu lacks what Creamer discloses, "the telephone communications comprise caller identification information (col. 10, lines 33-43); and the method further comprises displaying the caller identification and caller labeling information...at the customer premises (col. 10, lines 33-43 where "the computer linked to the web" is part of the customer premises)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the caller ID for the purpose of identifying who is calling before answering the telephone. The motivation for knowing who is calling before answering is the ability of the user to choose whether or not to answer a call or not.

However, Focsaneanu and Creamer lack what Zigmond disclose, "...the radio programming..." is displayed at the customer premises (col. 2, lines 48-65 whereby allowing the user to select among "stored hyperlinks", the radio programming will then be displayed at the customer premises as per the user's choice). It would have been obvious to one with ordinary skill in the art at the time of invention to include the "radio programming" being displayed at a customer premises for the purpose of allowing a user to choose what radio programming to listen to. The motivation in allowing a user to choose is greater flexibility in user choice.

Response to Arguments

Applicant's arguments, see Remarks, page 10, paragraph 3, filed 10 June 2004, with respect to the rejection(s) of claim(s) 6 and 31 under 35 U.S.C. 112 second paragraph have been fully considered and are persuasive. Therefore, the rejection has

been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a better understanding of the claims.

The 35 U.S.C. 112 second paragraph rejection for claim 17 has been with drawn
5 in light of applicant's amendments.

The 35 U.S.C. 112 second paragraph rejection of claims 21 and 22 are maintained because the amendment has not overcome the lack of antecedent basis.

10 Applicant's arguments filed 10 June 2004 have been fully considered but they are not persuasive.

Regarding claims 1-4, 7, 9-11, 25, 27-29, 33, 35-37, and 49 applicant argues that the 35 U.S.C. 102(b) is improper because Focsaneanu lacks "each and every element" of the claimed invention. Specifically, "placing the television programming...in a
15 common format for integrated communication over a single network infrastructure using a common communication protocol".

Examiner respectfully disagrees.

As applicant has pointed out, Focsaneanu can subscribe to two different types of service, POTS and modem. Therefore, Focsaneanu does not disclose "*integrated*
20 communication over a *single network infrastructure*". Although Focsaneanu discloses two different types of service, this does not mean that Focsaneanu does not disclose an "integrated communication over a single network infrastructure". As seen in figure 7 all

information from all different networks must pass through element 208, which
“integrates” (allowing the different networks to use the same access point to have their
respective data formatted and transmitted) the information for transmission to the
“single network infrastructure” connected by lines 210. Further, the access module 208
5 is more than “an interface unit” that connects the networks. The access module in
addition to interfacing the different networks also “must be able to adapt...capabilities”,
where the capabilities are those of each CPE in connection with each network, see col.
7, lines 34-37. Thus the access module must format all data for communication to take
place between the CPE’s and the different networks. Lastly, col. 6, lines 49-54 says that
10 the each connected network has local access and is integrated “to form a universal
services network”. For these reasons at least, Focsaneanu discloses “*integrated*
communication over a *single network infrastructure*”.

Focsaneanu further discloses a “common format” and “common communication
protocol” in col. 6, lines 54-59 where the “common protocol” formats the data
15 appropriately by encapsulation and the “common transmission protocol” is used as a
“communication protocol” to send the data onto the customer premises.

Applicant’s arguments, see Remarks, page 13, lines 19-22, filed 10 June 2004,
with respect to the rejection(s) of claim(s) 27-50 under 35 U.S.C. 102(b) have been fully
20 considered and are persuasive. Therefore, the rejection has been withdrawn.
However, upon further consideration, a new ground(s) of rejection is made in view of the
current art being applied as a 35 U.S.C. 103 rejection.

Applicant's arguments filed 10 June 2004 have been fully considered but they are not persuasive. The 35 U.S.C. 103 rejections regarding claims 5, 8, 12-16, 18-20, 23, 24, 26, 30, 32, 34, 38-48, and 50 are maintained because they depend from claim 1 or

5 27.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.


10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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15 Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

20 Business Center (EBC) at 866-217-9197 (toll-free).

**KENNETH VANDERPUYE
PRIMARY EXAMINER**


Joshua Kading
Examiner
Art Unit 2661


**KENNETH VANDERPUYE
PRIMARY EXAMINER**

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Page 33

September 21, 2004